IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.2204 OF 2004

M/s. Empress Advertising. ...Petitioner.
Vs.
Municipal Corporation for Greater Mumbai & Anr. ...Respondents.
....
Mr. K. R. Bulchandani with Mr. P.R. Salvi for the Petitioner.
Mr.K. K. Singhvi, Senior Advocate with Mrs. Meena Doshi & Mrs. V. K. Khatu for Respondents.
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CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

July 21, 2005.

ORAL ORDER (PER DR. D.Y. CHANDRACHUD, J.):

The Mumbai Heritage Conservation Committee has, by its report dated 9th August 2003, arrived at the finding that the hoardings which form the subject matter of these proceedings are liable to be removed. There is no factual dispute about the position that the hoardings are situated at the Cross Maidan. Cross Maidan falls within a listed heritage precinct in the list appended to Development Control Regulation 67 in the notification of the State Government. The hoardings in question, are therefore, liable to be removed.

2. An Expert Committee was initially appointed by this Court and that Committee had come to the conclusion that the hoardings in question are liable to be removed. Thereafter, by its order dated 19th April 2003, the Mumbai Heritage Conservation Committee which is constituted in pursuance of Development Control Regulation 67 was directed to verify the position of each hoarding with due notice to hoarding owners or advertisers. The report of the Mumbai Heritage Conservation Committee dated 9th August 2003 has been prepared after due notice to all the hoarding owners and advertisers, who were given sufficient opportunities to make their submissions. Hoardings in heritage precincts have since been removed. The Supreme Court by its order dated 20th May 2004 did not stay the removal of hoardings as directed by this Court from listed heritage buildings and listed heritage precincts. A careful and detailed verification has been conducted by two Committees – one being the Expert Committee appointed by this Court and the other by the statutorily constituted Mumbai Heritage Conservation Committee. There is no reason to interfere in the exercise of the jurisdiction under Article 226 of the Constitution. The petition is, in the circumstances, dismissed.

3. In order to enable the Petitioner to have recourse to its remedies against this judgment and order, there shall be a direction to the effect that the hoardings shall not be liable to be removed until 15th October 2005.

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